

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION

NARCISCO SILVA RIVERA  
*Plaintiff,*

v.

DOLLAR GENERAL D/B/A  
DOLGEN CORP. OF TEXAS, INC.  
*Defendant.*

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CASE NO. 7:18-CV-00038

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**DEFENDANT DOLLAR GENERAL D/B/A DOLGEN CORP. OF TEXAS, INC.’S<sup>1</sup>  
ANSWER TO PLAINTIFF’S ORIGINAL PETITION**

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TO THE HONORABLE COURT:

Defendant Dolgencorp of Texas, Inc., incorrectly named as Dollar General d/b/a Dolgen Corp. of Texas, hereby files its Answer to Plaintiff’s Original Petition as follows:

**I.  
ANSWER TO PLAINTIFF’S ORIGINAL PETITION**

**I. DISCOVERY PLAN AND DISCOVERY REQUESTS**

1. There are no facts alleged in page 1, paragraph 1 of Plaintiff’s Original Petition to be admitted or denied by Defendant. Defendant avers that discovery will be conducted in accordance with the Federal Rules of Civil Procedure.
2. There are no facts alleged in page 1, paragraph 2 of Plaintiff’s Original Petition to be admitted or denied by Defendant. To the extent a response is deemed necessary, Defendant denies that Plaintiff is entitled to such written discovery and avers that discovery will be conducted pursuant to the Federal Rules of Civil Procedure.

**II. PARTIES**

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<sup>1</sup> Plaintiff has improperly named Defendant. The correct name of Defendant is Dolgencorp of Texas, Inc.

3. Upon information and belief, Defendants admit the allegation in page 1, paragraph 3 of Plaintiff's Original Petition.

4. Defendant admits the allegations in page 1, paragraph 4 of Plaintiff's Original Petition.

### III. JURISDICTION AND VENUE

5. Defendant admits that Plaintiff is bring suit to recover damages against Defendant for injuries allegedly sustained as alleged in page 1, paragraph 5 of Plaintiff's Original Petition. Defendant further admits that Plaintiff seeks the relief as alleged in page 1, paragraph 5 of Plaintiff's Original Petition, but denies that Plaintiff is entitled to same. Defendant further admits that the alleged incident occurred in Hidalgo County, Texas. Defendant denies the remaining allegations and avers that venue is proper in the Southern District of Texas, McAllen Division.

### IV. STATEMENT OF FACTS

6. With regard to page 2, paragraph 1, Defendant admits that Plaintiff was a customer at Defendant's store located at 1406 W. Monte Cristo Road in Edinburg, Texas. Defendant denies the remaining allegations.

### V. CAUSES OF ACTION

7. Defendants deny the allegations contained in page 2, paragraph 2 of Plaintiff's Original Petition.

#### A. NEGLIGENCE

8. Defendant denies the allegations in page 2, paragraph 3 of Plaintiff's Original Petition, including subsections 1-3.

#### B. PREMISES LIABILITY

9. With regard to page 2, paragraph 4 of Plaintiff's Original Petition, Defendant admits Plaintiff was an invitee and Defendant was the possessor of the premises. Defendant denies the remaining allegations, including subsections 3-6.

#### VI. PLAINTIFF'S DAMAGES

10. Defendant denies the allegations in page 2, paragraph 5 of Plaintiff's Original Petition.

11. Defendant denies the allegations contained in paragraphs A-K on page 3 of Plaintiff's Original Petition.

#### VII. PRAYER

12. Defendant denies that Plaintiff is entitled to the relief he seeks as alleged in his prayer.

#### EXHIBIT A

13. There are no facts alleged in Exhibit A of Plaintiff's Original Petition to be admitted or denied by Defendant. To the extent a response is deemed necessary, Defendant denies that Plaintiff is entitled to such written discovery (interrogatories, requests for production, and requests for admission) and avers that discovery will be conducted pursuant to the Federal Rules of Civil Procedure.

#### JURY DEMAND

14. Defendant demands a jury trial in this case.

WHEREFORE, PREMISES CONSIDERED, Defendant Dolgencorp of Texas, Inc. respectfully pray that Plaintiff's claims be dismissed, that Plaintiff take nothing on his claims against Defendant, that Defendant receive such other and further relief, general or special, at law or in equity, to which they may show themselves to be justly entitled.

Respectfully submitted,

By: /s/ Robert E. Valdez

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***Attorneys for Defendant***

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was filed electronically with the United States District Court for the Southern District of Texas, McAllen Division, with notice of case activity to be generated and sent electronically with notice to all counsel of record on this 19<sup>th</sup> day of February, 2018.

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*Counsel for Plaintiff*

/s/ Robert E. Valdez

Robert E. Valdez